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EXAMINER

TRAN, PHILIP B

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/04/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

Office Action Summary

Application No.

09/718,187

Applicant(s)

GIROIR ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13-16, 19-25 and 28-29 is/are rejected.
- 7) ☒ Claim(s) 6-12, 17, 18, 26, 27 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is too long (more than 150 words). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2, 13-14, 19-23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe et al (Hereafter, Boe), U.S. Pat. No. 6,122,276 in view of Ferguson et al (Hereafter, Ferguson), U.S. Pat. No. 6,532,241.

Regarding claim 1, Boe teaches a method for providing seamless connection over a communication network for a Systems Network Architecture (SNA) session between a SNA Client (= TN3270 client) and a remote SNA server (= TN3270 server), said method comprising the steps of:

receiving at an access device for said communications network and from said SNA client a request for establishing a session with a SNA server that provides services to said SNA client, said request including an identification of the SNA client (i.e., TN3270 client initiates contact with TN3270 server to obtain access to an application program running on a host with which the server employs the SNA protocol to communicate) [see Boe, Abstract and Figs. 1 & 3-6].

Boe does not explicitly teach selecting a communication path within the communication network to access said SNA server by referring to a configuration table of said access device, said configuration table comprising one or more communication paths leading to one or more SNA servers as for each SNA client that is connected to said access device and forwarding the session request to said SNA server along the selected communication path. However, Boe does suggest diagram for connection session or communication path between TN3270 client and TN 3270 server [see Figs. 3-6]. Ferguson, in the same field of SNA communication endeavor, discloses session table for selecting communication path to access the server [see Ferguson, Fig. 6 and Abstract and Col. 11, Line 58 – Col. 13, Line 35]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of session table of Ferguson into the teaching of communication session between SNA client and remote SNA server in order to identify and selectively establish data session flowing efficiently between SNA client and remote SNA server.

Regarding claim 2, Boe further teaches the method of claim 1 comprising the step of routing traffic associated with the session to the SNA server via the selected communication path [see Fig. 1]. Ferguson, in the same field of SNA communication endeavor, discloses session table for selecting communication path to access the server [see Ferguson, Fig. 6 and Abstract and Col. 11, Line 58 – Col. 13, Line 35]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of session table of Ferguson into the teaching of

communication session between SNA client and remote SNA server for the same reason set forth above to claim 1.

Combination of claims 13-14 are rejected under the same rationale set forth above to claim 1.

Combination of claims 19-23 are rejected under the same rationale set forth above to claim 1.

Claim 28 is rejected under the same rationale set forth above to claim 1.

4. Claims 3-5, 15-16, 24-25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe et al (Hereafter, Boe), U.S. Pat. No. 6,122,276 in view of Ferguson et al (Hereafter, Ferguson), U.S. Pat. No. 6,532,241 and further in view of Colby et al (Hereafter, Colby), U.S. Pat. No. 6,006,264.

Regarding claim 3, Boe and Ferguson do not explicitly teach selecting a communication path further comprises the step of selecting one server from among a plurality of servers associated with the SNA client according to pre-determined criteria selected from among network and server performance, server availability, and load balancing. However, Colby, in the same field of client-server session connection endeavor, discloses selecting traffic path to a specific server based on the degree of load on available servers, network congestion information, etc. [see Colby, Abstract and Fig. 1C]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Colby into the system of Boe and Ferguson in order

to direct efficiently traffic flow between client and plurality of server and avoid network congestion.

Regarding claim 4, Boe does not explicitly teach receiving on said Local Area Network an Address Resolution Protocol (ARP) request, said ARP request comprising the Internet Protocol (I-P) address of a server the SNA client wants to access, and sending an ARP response to the SNA client, said ARP response comprising the Medium Access Control (MAC) address of the access device on the Local Area Network. However, it is known in the art that the Address Resolution Protocol (ARP) is used to correlate an Internet address and a Media Access Address (MAC) for a particular host.

Regarding claim 5, Boe and Ferguson further teach for each SNA client, defining said configuration table with an identification of the SNA client including a SNA Logical Unit (LU) name, one or more communication paths from the access device to the one or more servers associated with said SNA client, and an identification of said one or more servers including an Internet Protocol (IP) address [see Boe, Figs. 3-6 and Ferguson, Fig. 1 and Col. 3, Lines 4-22 and Col. 4, Lines 1-36].

Claim 15 is rejected under the same rationale set forth above to claim 4

Claim 16 is rejected under the same rationale set forth above to claim 3.

Claim 24 is rejected under the same rationale set forth above to claim 4.

Claim 25 is rejected under the same rationale set forth above to claim 3.

Claim 29 is rejected under the same rationale set forth above to claim 3.

Allowable Subject Matter

5. Claims 6-12, 17-18, 26-27 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other References Cited

6. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Bolton et al, U.S. Pat. No. 6,128,662.
- B) Aubert et al, U.S. Pat. No. 6,167,027.
- C) Chan et al, U.S. Pat. No. 6,049,833.
- D) Butts et al, U.S. Pat. No. 6,233,543.
- E) Cohen et al, U. S. Pat. No. 6,389,462.
- F) Chiang et al, U. S. Pat. No. 5,835,725.
- G) Scholl et al, U.S. Pat. No. 5,742,762.
- H) Vu, U.S. Pat. No. 5,623,601.

7. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran
Philip B. Tran
Art Unit 2155
September 30, 2004